

**Applicant:** Westland Development Co. Inc,

**Agent:** Sites Southwest

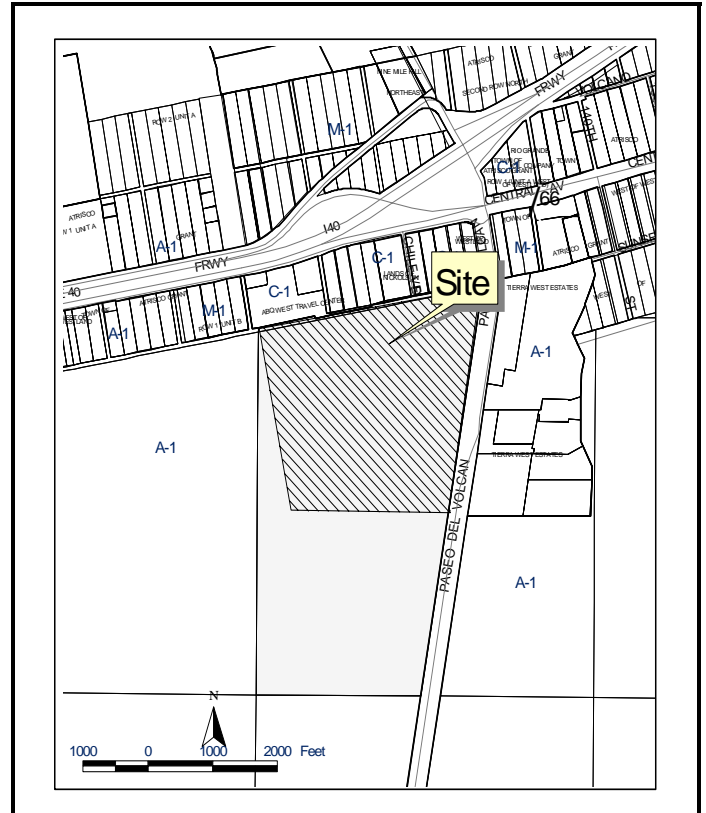
**Location:** Southwest corner of I-40 and Paseo del Volcan

**Property Size:** Approximately 217.10 acres

**Existing Zone:** A-1

**Proposed Request:** C-LI

**Recommendation:** Approval



**Summary:** The applicant originally requested a zone map amendment from A-1 to M-1 and has now chosen to amend the request for a zone map amendment from A-1 to C-LI on an unplatted tract of land located on the southwest corner of Central Avenue and Paseo del Volcan, which is approximately 217 acres. This request is located in an area designated by the Southwest Area Plan for primary employment. This case was deferred from the August 3, 2005 public hearing in order to allow the applicant to provide a master plan that include this area. The master plan is still pending.

**Staff Planner:** Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application
  2. Supplemental Information-Amendment to Original Application –Received 7/13/06
  3. Land Use Map
  4. Letters from Applicant/Agent received 6/27/05
  5. Letters of Opposition
  6. Late Comments
  7. Location Map (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 8-24-04 to 9-13-04. Agency comments were used in preparation of this report, which begin on page 24.

**AGENDA ITEM NO.: 5**  
**County Planning Commission**  
**August 2, 2006**

CZ-40013      vest, agent for Westland Development Co. Inc., requests approval of a zone map amendment from A-1 to C-LI on an unplatted tract of land within the Town of Atrisco Grant, Sections 25 and 36, T10N, R1E, located on the southwest corner of Central Avenue and Paseo del Volcan, containing approximately 217.10 acres. (M-6) (Continued from the August 3, 2005 public hearing)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land Use</b>
	A-1	Vacant
<b>North</b>	C-1 and M-1, SUP for Overnight Campground, SUP for Truck/Trailer Maintenance	I-40, Vacant Lots, Overnight Campground, Truck and Trailer Maintenance
<b>South</b>	A-1	Vacant
<b>East</b>	A-1 w/a Special Use Permit for a Mobile Home Park	Tierra West Estates Mobile Home Park
<b>West</b>	A-1	Vacant

**BACKGROUND:**

**The Request**

The applicant is requesting a zone map amendment from A-1 to M-1 on an unplatted tract of land located on the southwest corner of Central Avenue and Paseo del Volcan, which is approximately 217 acres. The applicant states that a zone change for the subject site will help meet the demand for larger parcels of 50 acres or more which would help accommodate prospective manufacturing firms and provide employment for the area.

Request Justification

The applicant maintains that the request is justified according to Resolution 116-86 in that the zone change is more beneficial to the community as defined in policies 28 and 29 the Southwest Area Plan. The applicant also states that industrial development in this area of the County will address the current shortage of large parcels (50 acres plus) of industrially zoned property in the community.

The applicant maintains that the availability of large parcels of M-1 land will benefit the community by creating parcels of sufficient size to attract larger manufacturers. The applicant also argues that the proposed scale of industrial development, which is proposed, is compatible with this area given the surrounding land uses.

**Surrounding Land Use and Zoning Activity**

At the January 25, 2000 public hearing, the Extraterritorial Land Use Authority approved a request for a Special Use Permit for an Overnight Campground for Recreational Vehicles located immediately north of the subject site. The site is approximately 8.64 acres.

On May 25, 1999, the Extraterritorial Land Use Authority approved a Special Use Permit for a Specific Use for a Truck and Trailer Sales and Maintenance Facility north of this site.

On July 21, 1987, the Board of County Commissioners approved a Special Use Permit for a Specific Use for an Overnight RV Campground (CSU-86-49) on approximately 19 acres north of the subject site. In 1985, the Board of County Commissioners granted a zone change from A-1 to M-1 for a property approximately one half mile to the west of the subject site (CZ-85-58).

On August 3, 1970, the Board of County Commissioners approved a zone map amendment immediately east of the site that changed the zoning from A-1 to C-1 (CZ-70-107).

On May 5, 1979, the Board of County Commissioners approved a zone change request from C-1 to M-1 for Century Elevator Corporation, east of the site, on a lot containing 4.4 acres (CZ-79-16).

**APPLICABLE PLANS AND POLICIES:**

**Albuquerque/Bernalillo County Comprehensive Plan**

This site lies in the Reserve Area as designated by the Comprehensive Plan. The Goal of this area is to allow opportunity for future development of high quality, mixed use, largely self-sufficient planned communities, bounded by permanent open space, in appropriate outlying areas, and to protect the non-urban metropolitan areas as rural unless such planned communities are developed.

Policy 2.d. states that a planned community master plan approved in accordance with this section and a more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure, which is not a net expense to the local government(s).

Policy c for the Reserve Area states that development within reserve areas shall take place in accordance with an approved planned community master plan, or in accordance with the standards applicable to Rural Areas.

Policy a for the Rural Area states that "Rural Areas shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations within rural villages or planned communities."

**Southwest Area Plan (SWAP)**

**Policy 1** states "Techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water Protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area."

**Policy 5** states "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

**Policy 6** states "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

**Policy 25** states "The City and County shall stabilize residential zoning and land use in the Plan area."

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- d) Encourage C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street; and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary development.
- f) Encourage stabilization of residential land use through subdivision design and scale

**Policy 28** states that the areas located between I-25 and Second Street and the area south of I-40 and west of Paseo del Volcan shall be used as primary employment areas due to their location relative to transportation facilities (rail and highway).

**Policy 29** states "All land uses in the plan area, which are or reflect a M-1 or M-2 land use shall require a detailed site plan and landscape plan, including phasing (if applicable)."

- a) Promote a visually pleasing business environment by creating attractive surroundings. To achieve this, provide appropriate native drought tolerant plants and trees with a 30-foot landscaped area fronting the main access road. Landscape elements shall be consistent throughout the area roadways.

**Policy 30** states, "Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties."

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

**Policy 32** states "Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls."

Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

**Policy 42** states, "Industrial development shall be in accordance with existing environmental and geological conditions."

- a) Permit industrial economic development where water availability and quality can sustain such industry.
- c) Restrict new industrial development in areas of fragile soil conditions or in geographically unfit areas, unless indisputable evidence is presented that the area will not be adversely affected.

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- d) Locate industrial development in areas with appropriate road design, drainage and infrastructure conducive to industrial activity.

**Policy 28** States that the areas located between I-25 and Second Street and the area south of I 40 and west of Paseo del Volcan shall be used as primary employment because of their location to transportation facilities (rail and highway).

- a) Prohibit industrial development that is highly consumptive in water use from the area south of I-40 and west of Paseo del Volcan.
- b) Prohibit industrial development on the top edge of the Southwest Mesa
- c) Require a master site plan for industrial uses (M-1, and M-2 zoning) for sites that encompass the crucial area and are five acres or larger.
- d) The developer shall provide a detailed site plan for industrial uses that incorporates appropriate native drought tolerant plants and trees, in order to achieve a continuous 30 foot landscaped area fronting the main access road.
- e) Require industrial development located in the area south of I-40 and west of Paseo del Volcan to be developed with “no net” cost to local governments for infrastructure and water use as defined in the Planned Communities Criteria.

**Policy 29** States that all land uses in the plan area, which are or reflect a M-1 or M-2 land use shall require a detailed site plan and landscape plan, including phasing (if applicable).

- a) Promote a visually pleasing business environment by creating attractive surroundings. To achieve this, provide appropriate native drought tolerant plants and trees with a 30-foot landscaped area fronting main access roads. Landscape elements shall be consistent throughout the area roadways.

### **Bernalillo County Zoning Ordinance**

Resolution 116-86 defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

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- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. A zone change request, which would give a zone different from the surrounding, zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses

allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

**Section 18 Special Use Permit Regulations**

A. By Special Use Permit after receipt of a recommendation from the County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose limitations as it deems necessary:

1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
2. To ensure the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

The Board of County Commissioners must review the Special Use Permit and progress of development from the date of approval and each year thereafter until completion of the plan, and if needed make a recommendation to the Board of County Commissioners to continue or revoke the Special Use Permit.

**Section 7. A-1 Rural Agricultural Zone.**

A. The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land



uses, and are not intended to unduly restrict or regulate farming, or ranching operations.

Section 15.5. C-LI Commercial/Light Industrial Zone

A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the Commercial/Light Industrial Zone. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The regulations in this zone provide for the health, safety and welfare of the residents. The Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.

B. Use Regulations:

1. Prohibited Uses. The following uses are prohibited in this zone: Church and any residential use, except that each individual industrial use may provide accommodations for one security resident employed on the premises, provided that such accommodations are not used as rental property, and mixed use development as noted under Conditional Uses in this section.

**2. Permissive Uses. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.**

- a. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.
- b. Arts and crafts objects retail sales, supplies plus their incidental creation.
- c. Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
- d. Auto parts and supply retail sales.
- e. Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
- f. Banking and loaning money.
- g. Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- h. Bottling plant.

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- i. Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
- j. Car wash.
- k. Clothing, shoes, dry goods for retail sales.
- l. Cold storage plant.
- m. Cosmetics, notions, hobby supplies for retail sales.
- n. Delivery service.
- o. Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the County.
- p. Drug store.
- q. Dry cleaning, laundry, clothes pressing, provided: Only nonflammable or noncombustible materials are used in the cleaning process.
- r. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
- s. Foundry, casting of nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
- t. Grocery Store.
- u. Health gymnasium.
- v. Ice plant (wholesale).
- w. Institution, including library, museum, school, day care center, but not disciplinary institutions or hospitals for human beings.
- x. Jewelry sales and supplies.
- y. Laboratory (experimental or testing).
- z. Laundry, cleaning, or dyeing works, including rug works and rug and carpet cleaning.
- aa. Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
- bb. Office.
- cc. Paint store.
- dd. Pet shop and/or pet grooming, provided there are no outside pens.

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- ee. Photographic equipment sales and/or service.
- ff. Public utility structure and public building including fire and police stations.
- gg. Radio and/or television station, and /or motion picture industry activities.
- hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by NMSA 1978, § 60-6A-4.
- ii. Sales and display rooms or buildings for wholesalers, distributors.
- jj. Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.
- kk. Sign, on premises, as regulated in the C-1 zone, provided that freestanding signs are limited to 10 feet in height and must be designed as monument signs with an enclosed base.
- ll. Tailoring, dressmaking.
- mm. The following uses must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence:
  - (1) Building material storage and sales.
  - (2) Contractor's equipment storage, rental, or sale.
  - (3) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
  - (4) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
  - (5) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, mechanical devices, electronic instruments and devices, radios or phonographs, musical instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.

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- (6) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.
    - (7) Warehouse.
    - (8) Food processing.
  - nn. One residence per business for a security resident employed on the premises provided that such accommodations are not used as rental property.
  - oo. Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:
    - (1) Face-mounted wireless telecommunications facility.
    - (2) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
    - (3) Concealed wireless telecommunications facility.
    - (4) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.
- 3. Conditional Uses. The following uses may be permitted, if approved by the Zoning Administrator, in accordance with the procedures and under the conditions set out in the Administration Section of this ordinance with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and community.
  - a. Amateur Radio Antenna/Tower 65 to 100 feet as measured from grade.
  - b. Mixed use development with residential and nonresidential uses combined in the same building or buildings, where the owner or tenant is both living and working on the premises. The nonresidential uses are limited to those allowed as permissive or conditional in the C-LI zone, plus incidental activities.
- C. Height Regulations. The same regulations apply as in the C-2 Zone except as provided in the Supplementary Height and Area Regulation Section of this ordinance.
- D. Area Regulations:
  - a. Front Yard. There shall be a front yard having a depth of not less than 30 feet.

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- b. Side Yard. None required except on the side of a lot abutting an A-1, A-2, R-1, R-2 or M-H zone, in which case there shall be a side yard of not less than five feet in width.
  - c. Rear Yard. Except as hereinafter provided in the Supplementary Height and Area Regulation Section, there shall be a rear yard having a depth of 15 feet.
  - d. Off-Street Parking and Loading and Unloading Spaces. Off-street parking spaces, and loading and unloading spaces, shall be provided in accordance with requirements for specific uses set forth in the Off-Street Parking, Loading and Unloading Regulation Section of this ordinance.
- E. Landscape and Buffer Landscaping. Nonresidential uses facing or abutting on a principal or minor arterial, as identified in the Long Range Major Street Plan, shall provide landscaping as provided and regulated in the Landscaping and Buffer Landscaping Regulations Section of this ordinance.

### Section 16. M-1 Light Industrial Zone.

- A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the M-1 Light Industrial Zone. The purpose of this zone is primarily for light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with access to arterial highways or railroads.
- B. Use Regulations:
- 1. Prohibited Uses. The following uses are prohibited in this zone: Church, library, school, hospital, or any residential use, except that each individual industrial use may provide accommodations for one resident watchman or caretaker employed on the premises, provided that such accommodations are not used for commercial, industrial or office purposes.
  - 2. Permissive Uses. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
    - a. Any permissive or conditional use listed and as regulated in the C-2 zone except as qualified above.
    - b. Bottling plant.
    - c. Cold storage plant.
    - d. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
    - e. Foundry, casting of lightweight, nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
    - f. Ice plant (wholesale).
    - g. Laboratory (experimental or testing).
    - h. Laundry, cleaning, or dyeing works, including rug works, including rug and carpet cleaning.

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- i. Uses which must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, and which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H:
  - (1) Building material storage and sales.
  - (2) Concrete or cement products manufacturing, batching plant, gravel or sand removal activity, stockpiling, processing or distribution provided it complies with the following requirements.
    - (a) Any gravel removal activities shall be conducted in accordance with sound engineering practices.
    - (b) Depleted land shall be rehabilitated by grading or backfilling with nonnoxious, nonflammable, noncombustible solids.
    - (c) Depleted land shall be graded or backfilled so as not to collect or permit stagnant water to remain therein.
    - (d) Depleted land shall be so graded or backfilled that it will result in topography in substantial conformity to the land immediately surrounding it and which will minimize erosion caused by rainfall and runoff.
    - (e) Concrete or cement products manufacturing, batching plant, or processing of stone shall be conducted in accordance with current environmental pollution controls.
  - (3) Contractor's equipment storage, rental, or sale; contractor's plant.
  - (4) Fuel storage or sales (wholesale).
  - (5) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
  - (6) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
  - (7) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, batteries, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, electronic instruments and devices, radios or phonographs, musical instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.
  - (8) Poultry or rabbit live storage or killing and dressing.
  - (9) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.
  - (10) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities.
  - (11) Warehouse.
  - (12) Food processing.
- j. Auction of livestock.

- k. Auto dismantling yards, junkyards, storage and salvage yards and yards used for the open storage of materials, provided they are enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that inoperative automobile bodies, or parts thereof, are not stacked to a height above the height of the required wall or fence.
- l. Accessory uses to any of the foregoing.
- m. Off-premises sign or advertising structure as regulated in the C-2 zone except that maximum area of any one sign face shall not exceed 672 square feet, plus an additional add-on sign area for cutouts or extensions which may not exceed 34 square feet.
- n. Tire recapping.

**Section 19. Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  - 1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.
  - 2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.
  - 3. Sites of five acres or more:
    - a. There shall be a landscaped setback along all streets of no less than 20 feet.
    - a. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
    - b. All other requirements [shall be the] same as 1.b. and 1.c. above.

**ANALYSIS:  
Surrounding Land Use**

The applicant is requesting a zone map amendment from A-1 to M-1 on an unplatted tract of land located on the southwest corner of Central Avenue and Paseo del Volcan, which is approximately 217 acres. The area north of the subject site is primarily bounded by lots of approximately ten acres. These lots are zoned C-1 and one is zoned M-1. In addition, several of the parcels contain Special Use Permits for various travel-related uses including a RV travel center and a truck and trailer sales and maintenance facility. The I-40 and Central Avenue interchange is located approximately 1000 feet north of the subject site. The area east and west of the site is zoned A-1 and is largely vacant. The area east of the site is bounded by Paseo del Volcan that separates this site from the Tierra West Estates Mobile Home Park.

### **Plans**

#### Albuquerque Bernalillo Comprehensive Plan

This site lies in the Reserve Area as designated by the Comprehensive Plan. The Goal of this area is to allow opportunity for future development of high quality, mixed use, largely self-sufficient planned communities, bounded by permanent open space, in appropriate outlying areas, and to protect the non-urban metropolitan areas as rural unless such planned communities are developed.

Policy 2.d. states that a planned community master plan approved in accordance with this section and a more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure, which is not a net expense to the local government(s).

The request is located in the Reserve Area of the Comprehensive Plan. The Reserve designation requires that development follow Rural Area guidelines which recommend that development be located in a designated commercial node or village center.

The Air Quality portion of the Comprehensive Plan calls for pollution from particles to be minimized. The Plan also recommends the use of vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites. The applicant has addressed this issue in the application however additional information and specific details of the dust control portion of the proposed development may need to be addressed.

The request is inconsistent with the Comprehensive Plan, which designates the vicinity of the site as 'Reserve'. Under this designation, the development would need to follow the Planned Communities Guidelines or the Land Use Policies for the Rural Area. Since Bernalillo County no longer follows the Planned Communities Criteria, the Rural Area Policies would apply. It appears the request would conflict with these policies as it is proposing a commercial development that is not located in a designated commercial node or village center.



### **Zoning Ordinance**

The Bernalillo County Zoning Ordinance, Section 16.I (3) defines the permissive uses in the M-1 zone. Some of the permissive uses in the M-1 zone include auto dismantling yards, junkyards, salvage yards, concrete or cement products manufacturing, batching plant, contractor's equipment storage, wholesale fuel storage or sales and yards used for the open storage of materials, provided they are enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that inoperative automobile bodies, or parts thereof, are not stacked to a height above the height of the required wall or fence.

### **Agency Comments**

Comments from the Bernalillo County Public Works Division state that an approved Grading and Drainage Plan will be required prior to development of this property.

In addition, portions of this property are within a 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map' (FIRM). Any development of this property must conform to the Bernalillo County Flood Control Damage Prevention Ordinance. Portions of this property may be subject to flood insurance requirements of the Federal Emergency Management agency (FEMA). Flood insurance is likely to be required for development of properties within a floodplain.

Comments regarding roadway state that Paseo Del Volcan is a Bernalillo County maintained road and is designated as a limited access roadway per the Long Range Roadway System Map. The applicant shall be required to contact the Development Review Engineer prior to development of this property regarding access issues and road improvement requirements. In addition, a Traffic Impact Analysis may be required with the development of this property.

### **Conclusion**

Resolution 116-86 stipulates that a zone change request, which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone". A spot zone may be approved only when the zone change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan or the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones.

This site lies in the Reserve Area as designated by the Comprehensive Plan. Reserve Area policy 2.d. states that a planned community master plan approved in accordance with this section and a more specific development criteria shall serve to implement the Comprehensive Plan. A planned community master plan shall not be approved if it fails to demonstrate its own sense of place, self-sufficiency, environmental sensitivity, separation from the contiguous Albuquerque urban area by permanent open space and the provision of infrastructure, which is not a net expense to the local government(s).

Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use

category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC. It appears that the applicant has justified the request for M-1 zoning in that Policy 25 of the SWAP encourages C-2, M-1 and M-2 land uses in the area located south of Woodward and east of Second Street; and the southwest corner of I-40 and Paseo del Volcan, to promote areas of primary development.

However, policy 28 and 29 of the SWAP also requires that land uses in the plan area, which are or reflect an M-1 or M-2 land use require a detailed site plan and landscape plan, including phasing if applicable.

**ADDITIONAL STAFF COMMENTS: (AUGUST 3, 2005)**

This case was deferred from the April 6, 2005 public hearing in order for the applicant to undertake an effort to develop a master plan. The Zacate Community Master Plan has been submitted and is pending approval by the County Planning Commission (scheduled for the August 31, 2005 hearing). The area identified in this request is defined as one of two major employment centers in the Zacate Community Master Plan. The creation and intent of the proposed Zacate Community Master Plan is consistent with policy c of the Albuquerque/Bernalillo County Comprehensive Plan which calls for development in the reserve area to take place in accordance with an approved planned community master plan.

In the applicant's submittal, received June 27, 2005 (Attachment 4 ) for approval of the zone change request, he envisions the area of the proposed zone change to be subdivided into a series of lots with the intention that these lots will be planned and platted in the future as an industrial/business park. He contends that he is aware of the potential risks and concerns associated with permissive uses with an M-1 zone and is supportive of future efforts by the County to create more industrial classifications that provide narrower definitions of permissible uses; however, he would like to proceed with the original application.

Staff recommends appropriate sequencing of evaluation of this request to the potentially approved Master Plan. Consideration of this request absent the context provided by the Zacate Community Master Plan is inconsistent with Policy c of the Albuquerque/Bernalillo County Comprehensive Plan.

**ADDITIONAL STAFF COMMENTS: (AUGUST 2, 2006)**

This case was continued from the August 3, 2005 public hearing pending approval of the Zacate Community Master Plan. The master plan has yet to be approved and the applicant has amended his request for a zone map amendment from A-1 to C-LI (attachment 2).

The C-LI Commercial/Light Industrial Zone was recently adopted by County. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The segment of the C-LI that lists the uses and regulations can be found on page 9 of this report.

The applicant's justification states that this zone would enable the creation of a needed community employment/activity center on the Westside, that the request is not

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insignificant conflict with adopted plans and that the A-1 zoning is no longer appropriate to due changed community conditions.

The request appears to be consistent with Resolution 116-86 and the Southwest Area Plan, Policy 28, in that it calls for the areas located between I-25 and Second Street and the area south of I-40 and west of Paseo del Volcan to be used as primary employment because of their location to transportation facilities. The permissive uses allowed with the proposed C-LI would not be harmful to the surrounding properties in that the properties to the north, west and south consist of M-1 and C-1 zones with vacant unplatted A-1 zoned property to the south.

### Analysis Summary

Zoning	
Resolution 116-86	The proposed request is not in conflict with the adopted elements of the Comprehensive Plan and other adopted plans. The proposed request is more advantageous to the community as articulated in Policy 28 of the Southwest Area Plan.
Plans	
Comprehensive Plan	Consistent with Rural Area guidelines which recommend that development be located in a designated commercial node or village. This site is recognized as a Community Activity Center in the West Side Strategic Plan.
Southwest Area Plan	Policy 28 identifies the area south of I-40 and west of Paseo del Volcan denoted as primary employment because of their location to transportation facilities and the subject site is located within this area.

### CONCLUSION:

The requested zone map amendment from A-1 to C-LI is less intense than the previously requested M-1 zoning. C-LI zoning is primarily for community commercial uses, light manufacturing, etc. and having ready access to arterial highways. The proposed site is located adjacent to Paseo Del Volcan and the uses under the C-LI are less intense that what is allowed in the existing M-1 zoning in the area.

This request appears to be consistent with the elements of the Rural Area guidelines of the Comprehensive Plan in that the proposed land uses allowed under the C-LI zone are consistent with uses for a Community Activity Center as identified for this site in the Westside Strategic Plan. This request is also consistent with the Southwest Area Plan in that it recognizes this area as a site for primary employment.

The site of the proposed zone change is different from surrounding land and could function as a transition between adjacent zones. The request would not be harmful to adjoining property to the north, south and west in that C-1 and M-1 zoning already exists and the A-1 zoned unplatted property to the south is currently under consideration for a community master plan that is proposing this same site an employment center.

**RECOMMENDATION:**

Staff is recommending approval based on the following Findings.

Adella Gallegos,  
Associate Program Planner

**Findings:**

1. This is a request for a zone map amendment from A-1 to C-LI on an unplatted tract of land within the Town of Atrisco Grant, Sections 25 and 36, T10N, R11E, located on the southwest corner of Central Avenue and Paseo del Volcan, containing approximately 217.10 acres.
2. The property is located in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan.
3. The request does not constitute a "spot zone" as the C-1 and M-1 zoning existing directly north of the site.
4. This request is consistent with Resolution 116-86 in the land use is more advantageous to the community in that it would provide employment and commercial and industrial services to this particular area of the South Valley as articulated in Policy 43 and 45 of the Southwest Area plan.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.
6. This request is consistent with Section 15.5 (C-LI Commercial/Light Industrial Zone) which states that, "The Commercial/Light Industrial Zone is suitable for mapping in

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areas adjacent to M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development Plans or Area Plans” in that the site is adjacent to an M-1 zone and is an area defined as primary employment.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Environmental Health:**

MUST PROVIDE A WATER AND SEWER AVAILABILITY STATEMENT.

If eventual development occurs and no city water and sewer is available; a drinking water well permit must be obtained from the OSE and permitted through the BERNCO Office of EH and the waste water [septic] systems must be permitted through BERNCO Office of EH and meet the criteria as identified in the ordinance for waste water systems.

The eventual use may require COA Air Quality Division Permits.

The eventual use may be subject to all Bernco Ordinance purview and Bernco Office of EH Technical Review.

Fire: No comments received

### **Zoning Enforcement Manager:**

NO ADVERSE COMMENT FROM ZONING AT THIS TIME

### **Public Works:**

#### **DRAN**

1. An approved Grading and Drainage Plan will be required prior to development of this property.

2. Portions of this property are within a 100-year floodplain as shown on the National Flood Insurance Program's ' Flood Insurance Rate Map' (FIRM). Any development of this property must conform to the Bernalillo County Flood Control Damage Prevention Ordinance. Portions of this property may be subject to flood insurance requirements of the Federal Emergency Management agency (FEMA). Flood insurance is likely to be required for development of properties within a floodplain."

#### **DRE**

1. Paseo Del Vocan is a BC maintained road and is designated as a limited access roadway per the Long Range Roadway System Map. Contact the Development Review Engineer prior to development of this property regarding access issues and road improvement requirements.

2. A Traffic Impact Analysis may be required with the development of this property.

### **Building Manager:**

No Adverse Comments.

### **Parks & Recreation:**

Reviewed. No impact to existing BCPR facilities. No adverse comment.

Sheriff's: No comments received

## **COMMENTS FROM OTHER AGENCIES**

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### MRGCOG:

No comment

### AMAFCA:

Westland Tract, Zone Change, Tract by Motorsports Park, (P-2)

No comment

### City Public Works:

#### Transportation:

No objection. For information only: Transit has no plans to extend transit service to this area.

#### Utilities:

Site is outside of current served area. Public sewer may be available within one year, water will not be available within the foreseeable future.

### City Open Space:

No comment

### City Environmental Health:

No comment received.

### City of Albuquerque Transportation Division

#### Findings

1. Paseo del Volcan East is a limited access, principal arterial as designated on the Long Range Roadway System map.
2. In the area just south of Central Avenue, one location providing full access to Paseo del Norte East has been approved. It is unclear from the submittal if this location is utilized for access and if it is adequate to serve the area of the proposed zone change, particularly the commercial areas in the northeast corner.
3. This proposal has potentially serious access and circulation concerns, none of which are addressed by the included materials.
4. This request is a part of the much larger proposed Zacate Community Master Plan which encompasses the area to be rezoned.
5. The Master Plan currently under development, has not yet demonstrated the adequacy of the proposed transportation system needed to serve the area or identified responsibilities of the developer for the improvements needed.

#### Recommendation

Indefinite Deferral, until a Community Master Plan has been adopted which shows how safe and adequate public access will be provided to this area and who will be responsible for providing these improvements.

### New Mexico State Highway Department:

A Traffic Impact Analysis (T.I.A.) will be required to determine the impact to the State Road System as well as mitigation measures. A State driveway permit will be required for access to the State Road. The permitting process shall be followed to obtain the permit.

### NEIGHBORHOOD ASSOCIATIONS:

The South Valley Coalition of Neighborhood Associations

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